

**AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**LISTING OF CLAIMS:**

1. (Canceled).
2. (Canceled).
3. (Canceled).
4. (Canceled).
5. (Canceled).
6. (Canceled).
7. (Canceled).
8. (Canceled).
9. (Canceled).
10. (Canceled).
11. (Canceled).
12. (Canceled).
13. (Canceled).

14. (Canceled).
15. (Canceled).
16. (Canceled).
17. (Canceled).
18. (Canceled).
19. (Canceled).
20. (Canceled).
21. (Canceled).
22. (Canceled).
23. (Canceled).
24. (Canceled).
25. (Canceled).
26. (Withdrawn) An article of footwear comprising:
  - a first energy return plate;
  - a second energy return plate independent from the first plate and spaced a predetermined distance from the first plate, the first and second plates having heel, arch, and toe portions, respectively;
  - a first elastomeric separating element connecting the first and second plates forward of an area of the footwear corresponding to the ball of the foot;

a second elastomeric separating element connecting the first and second plates behind the area corresponding to the ball of the foot and forward of an area corresponding to the heel, wherein the first and second elastomer elements maintain the spacing between the plates during a gait cycle of a wearer comprising a heel strike, a midstance, and a toe off;

during heel strike the heel portion of the first plate ~~deformable~~ deforms downward and the arch portion of the first plate ~~deformable~~ deforms upward;

during midstance the arch portion of both the first and second plates deform downward and the heel portion of the first plate recovers to a non-deformed state rocking the wearer forward; and

during toe off the upper first and lower second plates recover to the non-deformed state releasing stored energy into a step forward and upward propelling the wearer forward.

27. (Withdrawn) The article of footwear of Claim 26, wherein the first plate has a lateral side and medial side during heel strike the heel portion of the first plate has greater deformation on a lateral side than a medial side.

28. (Withdrawn) The article of footwear of Claim 27, wherein during midstance the arch portion of the first plate has greater deformation on the lateral side than the medial side.

29. (Withdrawn) The article of footwear of Claim 28, wherein during toe off the deformation of the toe portion of the first plate shifts from the lateral side to the medial side.

30. (Withdrawn) The article of footwear of Claim 26, wherein said first and second plates comprise a material having a modulus of elasticity of at least approximately  $10 \times 10^6 \text{ lb/in}^2$  ~~10<sup>6</sup> lb/in<sup>2</sup>~~  $10^6 \text{ lb/in}^2$ .

31. (Withdrawn) The article of footwear of Claim 30, wherein said elastomeric separating elements comprise a material having a tensile strength at least 2000 psi.

32. (Withdrawn) The article of footwear of Claim 26, further comprising a hollow space without separating elements between the first and second plates in the area corresponding to the ball of the foot.

33. (Withdrawn) The article of footwear of Claim 26, wherein said first one of said separating elements is generally arcuate.

34. (Withdrawn) The article of footwear of Claim 26, wherein each of said first and second plates extends substantially the entire length of a foot.

35. (Withdrawn) The article of footwear of Claim 26, wherein each of said first and second plates extends only a portion of the length of a foot.

36. (Withdrawn) The article of footwear of Claim 35, wherein each of said first and second plates extends from the toe of the foot to the arch of the foot.

37. (Withdrawn) The article of footwear of Claim 26, wherein the separating elements allow the first and second plates to move with respect to one another in a medial lateral direction.

38. (Withdrawn) The article of footwear of Claim 26, wherein the separating elements allow the first and second plates to rotate with respect to one another in a torsional direction.

39. (Withdrawn) An article of footwear comprising:  
a first energy return plate formed of a material having a modulus of elasticity of about  $10 \times 10^6$  10<sup>6</sup> psi to about  $100 \times 10^6$  10<sup>6</sup> psi;

a second energy return plate independent from the first plate, the second energy return plate formed of a material having a modulus of elasticity of about  $12 \times 10^6$  psi to about  $100 \times 10^6$  psi; and

first and second elastomeric separating elements connecting the first and second plates, the elastomeric separating elements having a tensile strength of about 2000 to about 6000 psi, and wherein the first and second elastomeric separating elements are positioned to form a void between the first and second plates and the first and second elastomeric separating elements allowing the first and second plates to move with respect to one another in a plurality of dimensions.

40. (Withdrawn) The article of footwear of Claim 39, wherein the void is a hollow space without any interconnection between the first and second plates in the area corresponding to the ball of the foot.

41. (Withdrawn) The article of footwear of Claim 39, wherein said first one of said separating elements is generally arcuate.

42. (Withdrawn) The article of footwear of Claim 39, wherein each of said first and second plates extends substantially the entire length of a foot.

43. (Withdrawn) The article of footwear of Claim 39, wherein each of said first and second plates extends only a portion of the length of a foot.

44. (Withdrawn) The article of footwear of Claim 43, wherein each of said first and second plates extends from a toe area of the foot to an arch area of the foot.

45. (Withdrawn) The article of footwear of Claim 39, wherein the separating elements allow the first and second plates to move with respect to one another in a medial lateral direction.

46. (Withdrawn) The article of footwear of Claim 39, wherein the separating elements allow the first and second plates to rotate with respect to one another in a torsional direction.

47. (Currently Amended) An article of footwear comprising:

- a first energy return plate extending from a toe area of the foot and terminating at an arch area of the foot;
- a second energy return plate independent from the first plate and spaced a predetermined distance from the first plate, the second energy return plate extending from the toe area of the foot and terminating at the arch area of the foot;
- a first elastomeric separating element connecting the first and second plates forward of an area of the footwear corresponding to the ball of the foot;
- a second elastomeric separating element connecting the first and second plates behind the area corresponding to the ball of the foot and forward of an area corresponding to the heel to maintain the spacing between said plates during a gait cycle of a wearer comprising a heel strike, a midstance and a toe off; the first and second elastomeric elements forming a void between the first and second plates and wherein;

- during heel strike the heel portion of the first plate ~~deformable~~ deforms downward and the arch portion of the first plate ~~deformable~~ deforms upward;
- during midstance the arch portion of both the ~~upper first~~ and ~~lower second~~ plates ~~deformable~~ deform downward and the heel portion of the ~~upper first~~ plate ~~recoverable~~ recovers to a non-deformed state rocking the wearer forward; and
- during toe off the ~~upper first~~ and ~~lower second~~ plates ~~recoverable~~ recover to the ~~non-deformable~~ non-deformed state releasing stored energy into a step forward and upward propelling the wearer forward.

48. (Currently Amended) The article of footwear of Claim 47, wherein said first and second plates comprise a material having a modulus of elasticity of at least approximately  $10 \times 10^6 \text{ lb/in}^2$   $10^6 \text{ lb/in}^2$ .

49. (Previously Presented) The article of footwear of Claim 47, wherein said elastomeric separating elements comprise a material having a tensile strength at least 2000 psi.

50. (Previously Presented) The article of footwear of Claim 47, further comprising a hollow space without separating elements between the first and second plates in the area corresponding to the ball of the foot.

51. (Previously Presented) The article of footwear of Claim 47, wherein said first one of said separating elements is generally arcuate.

52. (Previously Presented) The article of footwear of Claim 47, wherein the separating elements allow the first and second plates to move with respect to one another in a medial lateral direction.

53. (Previously Presented) The article of footwear of Claim 47, wherein the separating elements allow the first and second plates to rotate with respect to one another in a torsional direction.

54. (New) The article of footwear of Claim 47, wherein the void between the first and second plate allows the plates to deform to a height of the void.

55. (New) An article of footwear comprising:  
an upper;  
a sole having a ground engaging portion and an energy return system between the upper and the sole;  
the energy return system comprising:  
an upper plate and a lower plate spaced a predetermined distance from each plate, the plates having arch and toe portions, respectively, the upper and lower plates made from an elastic material of high tensile strength, the plates independently deformable and recoverable from arch portion to toe portion;  
and

two elastomeric elements, one disposed between the toe portion of the plates and the other disposed between the arch portion of the plates to maintain the spacing between said plates during a gait cycle of a wearer comprising a toe strike and a toe off the first and second elastomeric elements forming a void between the upper and lower plates and wherein;

during toe strike the toe portion of both the upper and lower plates deforms upward; and

during toe off, the upper and lower plates recover to the non-deformed state releasing stored energy into a step forward and upward propelling the wearer forward.

56. (New) The article of footwear of claim 55, wherein the upper plate has a lateral side and a medial, and wherein during toe off the deformation of the toe portion of the upper plate shifts from the lateral side to the medial side.

57. (New) The article of footwear of claim 55, wherein one of the two elastomeric elements is positioned at a posterior end of the upper and lower plates.

58. (New) The article of footwear of claim 55, wherein said upper and lower plates comprise a material having a modulus of elasticity of at least approximately  $32 \times 10^6 \text{ lb/in}^2$ .

59. (New) The article of footwear of claim 58, wherein said material comprises carbon graphite.

60. (New) The article of footwear of claim 59, wherein said upper plate and lower plates are formed by a plurality of layers of carbon graphite.

61. (New) The article of footwear of claim 55, wherein said first one of said separating elements is generally arcuate.



62. (New) The article of footwear of claim 55, wherein one of the separating elements is located entirely forward of a ball of a wearer's foot.

63. (New) The article of footwear of claim 55, wherein the toe portion of the upper plate deflects downward before the upper and lower plates return to the non-deformed state.

64. (New) The article of footwear of Claim 55, wherein the void between the upper and lower plates allow the plates to deform to a height of the void.